



General Assembly

January Session, 2009

***Raised Bill No. 1086***

LCO No. 3965

\*03965\_\_\_\_\_HS\_\*

Referred to Committee on Human Services

Introduced by:  
(HS)

***AN ACT CONCERNING THE CREDITING OF SOCIAL SECURITY  
DEPENDENT BENEFITS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-215b of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) The child support guidelines established pursuant to section 46b-  
4 215a and in effect on the date of the support determination shall be  
5 considered in all determinations of child support amounts, including  
6 any past-due support amounts, and payment on arrearages and past-  
7 due support within the state. In all such determinations, there shall be  
8 a rebuttable presumption that the amount of such awards which  
9 resulted from the application of such guidelines is the amount of  
10 support, including any past-due support, or payment on any arrearage  
11 or past-due support to be ordered. A specific finding on the record that  
12 the application of the guidelines would be inequitable or inappropriate  
13 in a particular case, as determined under criteria established by the  
14 Commission for Child Support Guidelines under section 46b-215a,  
15 shall be required in order to rebut the presumption in such case.

16 (b) In any determination pursuant to subsection (a) of this section,  
17 when a party has been determined by the Social Security  
18 Administration, or a state agency authorized to award disability  
19 benefits, to qualify for disability benefits under the federal  
20 Supplemental Security Income Program, the Social Security disability  
21 program, the state supplement to the federal Supplemental Security  
22 Income Program, or the state-administered general assistance  
23 program, parental earning capacity shall not be a basis for deviating  
24 from the presumptive support amount that results from the  
25 application of the child support guidelines to such party's income.

26 (c) In any proceeding for the establishment or modification of a  
27 child support award, the child support guidelines shall be considered  
28 in addition to and not in lieu of the criteria for such awards established  
29 in sections 46b-84, 46b-86, 46b-130, 46b-171, 46b-172, 46b-215, 17b-179  
30 and 17b-745.

31 (d) If the court has ordered a noncustodial parent to pay for the  
32 support of a child, the amount of dependent benefit payments for such  
33 child made pursuant to the Social Security Act because of the  
34 retirement or disability of the noncustodial parent and transmitted to  
35 the custodial parent or other child support obligee shall be credited  
36 toward the amount ordered by the court to be paid for support of the  
37 child, unless such dependent benefits were taken into consideration by  
38 the court in determining the amount of support to be paid. If a lump  
39 sum retroactive dependent benefit payment, representing payments  
40 for more than one month, is transmitted to the custodial parent or  
41 other child support obligee, credit shall be given for each month for  
42 which the retroactive lump sum payment was made.

43 (e) If Support Enforcement Services receives information that a child  
44 of a noncustodial parent with a current support obligation is receiving  
45 dependent benefit payments pursuant to the Social Security Act and  
46 such benefit payments were not taken into consideration by the court  
47 in determining the amount of support to be paid, Support Enforcement

48 Services shall ensure that such benefit payments are credited against  
49 the support obligation in the Child Support Enforcement System not  
50 later than thirty business days after the date Support Enforcement  
51 Services receives such information, and on an ongoing basis thereafter.

52 (f) If Support Enforcement Services receives information that a  
53 noncustodial parent with a current support obligation has qualified for  
54 disability benefits or Supplemental Security Income pursuant to the  
55 Social Security Act, it shall initiate a review of the child support order,  
56 in accordance with subdivision (4) of subsection (s) of section 46b-231.  
57 If Support Enforcement Services determines upon such review that the  
58 order substantially deviates from the child support guidelines adopted  
59 pursuant to sections 46b-215a to 46b-215d, inclusive, Support  
60 Enforcement Services shall initiate an action to modify such order.

61 (g) If Support Enforcement Services receives information that a  
62 noncustodial parent with a current support obligation receives  
63 retirement or disability benefit payments pursuant to the Social  
64 Security Act, it shall determine whether the child of the noncustodial  
65 parent is receiving dependent benefit payments. If Support  
66 Enforcement Services cannot readily determine whether or not each  
67 child is receiving Social Security dependent benefit payments, Support  
68 Enforcement Services shall notify the custodial parent or other child  
69 support obligee that: (1) The noncustodial parent has qualified for  
70 Social Security disability or retirement benefits; (2) the child could  
71 qualify for dependent benefit payments that would be credited against  
72 the support obligation; (3) the custodial party is required to apply to  
73 the Social Security Administration for such benefits on behalf of each  
74 child not later than fifteen business days after receipt of the notice; and  
75 (4) the custodial party is required to inform Support Enforcement  
76 Services of the decision of the Social Security Administration,  
77 including the amount of the dependent benefit payments, if any, not  
78 later than fifteen business days after receipt of a decision by the Social  
79 Security Administration.

80     (h) Not later than fifteen business days after receipt of the notice  
81     from Support Enforcement Services, as described in subsection (g) of  
82     this section, the custodial party shall apply to the Social Security  
83     Administration for dependent benefits. Not later than fifteen business  
84     days after receipt of a decision by the Social Security Administration  
85     on the application for dependent benefits, the custodial party shall  
86     notify Support Enforcement Services of the decision and the amount of  
87     the dependent benefit payments, if any.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2009</i>	46b-215b
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***Statement of Purpose:***

To assure the prompt crediting of Social Security dependent benefits for child support purposes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*